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| EXAMINER |
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| WON, MICHAEL YOUNG |

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| Office Action Summary | Application No. | Applicant(s) |
|---|---|---|
| | 10/765,576 | COULOMBE ET AL. |
| | Examiner | Art Unit | |
| | MICHAEL Y. WON | 2455 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on <u>10 September 2009</u>.

2a)☐ This action is FINAL.    2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) <u>1-21,24,27,30,33,36-38,41,42 and 48</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-21,24,27,30,33,36-38,41,42 and 48</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>9/10/09</u>.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

## DETAILED ACTION

1.　　　This action is in response to the amendment filed September 10, 2009.

2.　　　Claims 1, 8, 9, 11-13, 21, 24, 27, 30, 33, 38, and 48 have been amended and

claims 22, 23, 25, 26, 28, 29, 31, 32, 34, 35, 39, and 40 have been cancelled.

3.　　　Claims 1-21, 24, 27, 30, 33, 36-38, 41, 42, and 48 have been examined and are

pending with this action.

### *Claim Rejections - 35 USC § 103*

　　　The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.　　　Claims 1-21, 24, 27, 30, 33, 36-38, 41, 42, and 48 are rejected under 35 U.S.C.

103(a) as being unpatentable over Mukherjee et al. (US 7,133,925) in view of Maes (US

6,970,935).

*INDEPENDENT:*

　　　As per **claim 1**, Mukherjee teaches a method by which a multimedia message is

transcoded en route from a sending terminal via a messaging server to a receiving

terminal, the method comprising:

a user agent of the sending terminal inserting, into the multimedia message, media characteristics of the multimedia message sufficient in detail to enable determining whether the multimedia message should be transcoded to accommodate multimedia capabilities of the receiving terminal (see col.3, lines 42-52: "The media source provides scalable encoded media data in a format including first and second portion... "); and

the messaging server reading the media characteristics of the multimedia message and deciding whether the multimedia message should be transcoded based only on the inserted media characteristics of the multimedia message and actual or assumed multimedia capabilities of the receiving terminal (see col.3, lines 56-62: "The transcoder transcodes the formatted original scalable encoded media data prior to delivery to the media destination to generate a scaled version of the formatted original scalable encoded media data, based on matching the scalability attributes and the receiving attributes and using the data structure information").

Mukherjee does not explicitly teach wherein the media characteristics of the multimedia message comprises at least one of the following: a number of frames, or a sampling rate of audio content, wherein the multimedia message has a header portion and a body portion, and the media characteristics of the multimedia message are inserted into a field in the header portion of the multimedia message.

Maes teaches wherein the media characteristics of the multimedia message comprises at least one of the following: a number of frames, or a sampling rate of audio content, wherein the multimedia message has a header portion and a body portion, and

the media characteristics of the multimedia message are inserted into a field in the

header portion of the multimedia message (see col.16, lines 3-11: "a File Header which,

in general, defines information regarding… the size of the file… sampling frequency…";

and col.17, lines 22-24, 26-29, and 31-42: "a Speech Segment Header will specify the

number of frames for a given Segment").

It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to modify the system of Mukherjee in view of Maes so that the

media characteristics of the multimedia message comprises at least one of the

following: a number of frames, or a sampling rate of audio content, wherein the

multimedia message has a header portion and a body portion, and the media

characteristics of the multimedia message are inserted into a field in the header portion

of the multimedia message.  One would be motivated to do so because Maes teaches

that such implementation which is generally known as a RECOVC file format that allows

for real-time distributed conversational interactions (see col.15, lines 60-65).


As per **claim 11**, Mukherjee teaches a terminal comprising a processor

configured to:

determine media characteristics of a multimedia message sufficient in detail to

enable a messaging terminal to determine whether the multimedia message should be

transcoded based only on a comparison of actual or assumed multimedia capabilities of

a receiving terminal and the inserted media characteristics (see col.3, lines 56-62: "The

transcoder transcodes the formatted original scalable encoded media data prior to

delivery to the media destination to generate a scaled version of the formatted original

scalable encoded media data, based on matching the scalability attributes and the

receiving attributes and using the data structure information"); and

insert the media characteristics of the multimedia message into the multimedia

message (see col.3, lines 42-52: "The media source provides scalable encoded media

data in a format including first and second portion... ").

Mukherjee does not explicitly teach wherein the media characteristics of the

multimedia message comprises at least one of the following: a number of frames, or a

sampling rate of audio content, wherein the multimedia message has a header portion

and a body portion, and the media characteristics of the multimedia message are

inserted into a field in the header portion of the multimedia message.

Maes teaches wherein the media characteristics of the multimedia message

comprises at least one of the following: a number of frames, or a sampling rate of audio

content, wherein the multimedia message has a header portion and a body portion, and

the media characteristics of the multimedia message are inserted into a field in the

header portion of the multimedia message (see col.16, lines 3-11: "a File Header which,

in general, defines information regarding... the size of the file... sampling frequency...";

and col.17, lines 22-24, 26-29, and 31-42: "a Speech Segment Header will specify the

number of frames for a given Segment").

It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to modify the system of Mukherjee in view of Maes so that the

media characteristics of the multimedia message comprises at least one of the

following: a number of frames, or a sampling rate of audio content, wherein the multimedia message has a header portion and a body portion, and the media characteristics of the multimedia message are inserted into a field in the header portion of the multimedia message. One would be motivated to do so because Maes teaches that such implementation which is generally known as a RECOVC file format that allows for real-time distributed conversational interactions (see col.15, lines 60-65).

As per **claim 12**, Mukherjee teaches a messaging server comprising a processor configured to:

obtain media characteristics of a multimedia message that are inserted into the multimedia message intended for a receiving terminal (see col.3, lines 42-52: "The media source provides scalable encoded media data in a format including first and second portion... "); and

decide whether the multimedia message should be transcoded based only on comparing the media characteristics of the multimedia message with actual or assumed multimedia capabilities of the receiving terminal (see col.3, lines 56-62: "The transcoder transcodes the formatted original scalable encoded media data prior to delivery to the media destination to generate a scaled version of the formatted original scalable encoded media data, based on matching the scalability attributes and the receiving attributes and using the data structure information").

Mukherjee does not explicitly teach wherein the media characteristics of the multimedia message comprises at least one of the following: a number of frames, or a

sampling rate of audio content, wherein the multimedia message has a header portion and a body portion, and the media characteristics of the multimedia message are inserted into a field in the header portion of the multimedia message.

Maes teaches wherein the media characteristics of the multimedia message comprises at least one of the following: a number of frames, or a sampling rate of audio content, wherein the multimedia message has a header portion and a body portion, and the media characteristics of the multimedia message are inserted into a field in the header portion of the multimedia message (see col.16, lines 3-11: "a File Header which, in general, defines information regarding... the size of the file... sampling frequency..."; and col.17, lines 22-24, 26-29, and 31-42: "a Speech Segment Header will specify the number of frames for a given Segment").

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Mukherjee in view of Maes so that the media characteristics of the multimedia message comprises at least one of the following: a number of frames, or a sampling rate of audio content, wherein the multimedia message has a header portion and a body portion, and the media characteristics of the multimedia message are inserted into a field in the header portion of the multimedia message. One would be motivated to do so because Maes teaches that such implementation which is generally known as a RECOVC file format that allows for real-time distributed conversational interactions (see col.15, lines 60-65).

As per **claim 13**, Mukherjee teaches a system, comprising a terminal and a messaging server wherein:

the sending terminal is configured to insert, into a multimedia message for a receiving terminal, media characteristics of the multimedia message sufficient in detail to enable determining whether the multimedia message should be transcoded to accommodate multimedia capabilities of the receiving terminal (see col.3, lines 42-52: "The media source provides scalable encoded media data in a format including first and second portion... "); and

the messaging server is configured to read the media characteristics of the multimedia message and decide whether the multimedia message should be transcoded based only on a comparison of media characteristics and actual or assumed multimedia capabilities of the receiving terminal (see col.3, lines 56-62: "The transcoder transcodes the formatted original scalable encoded media data prior to delivery to the media destination to generate a scaled version of the formatted original scalable encoded media data, based on matching the scalability attributes and the receiving attributes and using the data structure information").

Mukherjee does not explicitly teach wherein the media characteristics of the multimedia message comprises at least one of the following: a number of frames, or a sampling rate of audio content, wherein the multimedia message has a header portion and a body portion, and the media characteristics of the multimedia message are inserted into a field in the header portion of the multimedia message.

Maes teaches wherein the media characteristics of the multimedia message comprises at least one of the following: a number of frames, or a sampling rate of audio content, wherein the multimedia message has a header portion and a body portion, and the media characteristics of the multimedia message are inserted into a field in the header portion of the multimedia message (see col.16, lines 3-11: "a File Header which, in general, defines information regarding... the size of the file... sampling frequency..."; and col.17, lines 22-24, 26-29, and 31-42: "a Speech Segment Header will specify the number of frames for a given Segment").

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Mukherjee in view of Maes so that the media characteristics of the multimedia message comprises at least one of the following: a number of frames, or a sampling rate of audio content, wherein the multimedia message has a header portion and a body portion, and the media characteristics of the multimedia message are inserted into a field in the header portion of the multimedia message. One would be motivated to do so because Maes teaches that such implementation which is generally known as a RECOVC file format that allows for real-time distributed conversational interactions (see col.15, lines 60-65).

As per **claim 21**, Mukherjee teaches a method for use by a terminal comprising:

determining media characteristics for media components of a multimedia message intended for a receiving terminal, wherein the media characteristics of the multimedia message are sufficient in detail to enable determining whether the

multimedia message should be transcoded to accommodate multimedia capabilities of

the receiving terminal (see col.3, lines 56-62: "The transcoder transcodes the formatted

original scalable encoded media data prior to delivery to the media destination to

generate a scaled version of the formatted original scalable encoded media data, based

on matching the scalability attributes and the receiving attributes and using the data

structure information"); and

      inserting the media characteristics of the multimedia message into the

multimedia message (see col.3, lines 42-52: "The media source provides scalable

encoded media data in a format including first and second portion... ").

      Mukherjee does not explicitly teach wherein the media characteristics of the

multimedia message comprises at least one of the following: a number of frames, or a

sampling rate of audio content, wherein the multimedia message has a header portion

and a body portion, and the media characteristics of the multimedia message are

inserted into a field in the header portion of the multimedia message.

      Maes teaches wherein the media characteristics of the multimedia message

comprises at least one of the following: a number of frames, or a sampling rate of audio

content, wherein the multimedia message has a header portion and a body portion, and

the media characteristics of the multimedia message are inserted into a field in the

header portion of the multimedia message (see col.16, lines 3-11: "a File Header which,

in general, defines information regarding... the size of the file... sampling frequency...";

and col.17, lines 22-24, 26-29, and 31-42: "a Speech Segment Header will specify the

number of frames for a given Segment").

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Mukherjee in view of Maes so that the media characteristics of the multimedia message comprises at least one of the following: a number of frames, or a sampling rate of audio content, wherein the multimedia message has a header portion and a body portion, and the media characteristics of the multimedia message are inserted into a field in the header portion of the multimedia message.  One would be motivated to do so because Maes teaches that such implementation which is generally known as a RECOVC file format that allows for real-time distributed conversational interactions (see col.15, lines 60-65).

As per **claim 24**, Mukherjee teaches a method for use by a messaging server comprising:

obtaining media characteristics of the multimedia message that are inserted into the multimedia message intended for a receiving terminal (see col.3, lines 42-52: "The media source provides scalable encoded media data in a format including first and second portion... "); and

deciding whether the multimedia message should be transcoded based only on a comparison of the inserted media characteristics and actual or assumed multimedia capabilities of the receiving terminal (see col.3, lines 56-62: "The transcoder transcodes the formatted original scalable encoded media data prior to delivery to the media destination to generate a scaled version of the formatted original scalable encoded

media data, based on matching the scalability attributes and the receiving attributes and

using the data structure information").

        Mukherjee does not explicitly teach wherein the media characteristics of the

multimedia message comprises at least one of the following: a number of frames, or a

sampling rate of audio content, wherein the multimedia message has a header portion

and a body portion, and the media characteristics of the multimedia message are

inserted into a field in the header portion of the multimedia message.

        Maes teaches wherein the media characteristics of the multimedia message

comprises at least one of the following: a number of frames, or a sampling rate of audio

content, wherein the multimedia message has a header portion and a body portion, and

the media characteristics of the multimedia message are inserted into a field in the

header portion of the multimedia message (see col.16, lines 3-11: "a File Header which,

in general, defines information regarding… the size of the file… sampling frequency…";

and col.17, lines 22-24, 26-29, and 31-42: "a Speech Segment Header will specify the

number of frames for a given Segment").

        It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to modify the system of Mukherjee in view of Maes so that the

media characteristics of the multimedia message comprises at least one of the

following: a number of frames, or a sampling rate of audio content, wherein the

multimedia message has a header portion and a body portion, and the media

characteristics of the multimedia message are inserted into a field in the header portion

of the multimedia message.  One would be motivated to do so because Maes teaches

that such implementation which is generally known as a RECOVC file format that allows

for real-time distributed conversational interactions (see col.15, lines 60-65).


As per **claim 27**, Mukherjee teaches an apparatus for transmitting a multimedia

message, the apparatus comprising a processor configured to:

determine media characteristics for a media component of the multimedia

message (see col.3, lines 4-15); and

insert the media characteristics of the multimedia message into the multimedia

message (see col.3, lines 42-52: "The media source provides scalable encoded media

data in a format including first and second portion... ").

Mukherjee does not explicitly teach wherein the media characteristics of the

multimedia message comprises at least one of the following: a number of frames, or a

sampling rate of audio content, wherein the multimedia message has a header portion

and a body portion, and the media characteristics of the multimedia message are

inserted into a field in the header portion of the multimedia message.

Maes teaches wherein the media characteristics of the multimedia message

comprises at least one of the following: a number of frames, or a sampling rate of audio

content, wherein the multimedia message has a header portion and a body portion, and

the media characteristics of the multimedia message are inserted into a field in the

header portion of the multimedia message (see col.16, lines 3-11: "a File Header which,

in general, defines information regarding… the size of the file… sampling frequency…";

and col.17, lines 22-24, 26-29, and 31-42: "a Speech Segment Header will specify the number of frames for a given Segment").

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Mukherjee in view of Maes so that the media characteristics of the multimedia message comprises at least one of the following: a number of frames, or a sampling rate of audio content, wherein the multimedia message has a header portion and a body portion, and the media characteristics of the multimedia message are inserted into a field in the header portion of the multimedia message. One would be motivated to do so because Maes teaches that such implementation which is generally known as a RECOVC file format that allows for real-time distributed conversational interactions (see col.15, lines 60-65).

As per **claim 30**, Mukherjee teaches a method for transmitting a multimedia message, the method comprising:

determining media characteristics for a media component of the multimedia message (see col.3, lines 4-15); and

inserting the media characteristics of the multimedia message in the multimedia message (see col.3, lines 42-52: "The media source provides scalable encoded media data in a format including first and second portion... ").

Mukherjee does not explicitly teach wherein the media characteristics of the multimedia message comprises at least one of the following: a number of frames, or a sampling rate of audio content, wherein the multimedia message has a header portion

and a body portion, and the media characteristics of the multimedia message are inserted into a field in the header portion of the multimedia message.

Maes teaches wherein the media characteristics of the multimedia message comprises at least one of the following: a number of frames, or a sampling rate of audio content, wherein the multimedia message has a header portion and a body portion, and the media characteristics of the multimedia message are inserted into a field in the header portion of the multimedia message (see col.16, lines 3-11: "a File Header which, in general, defines information regarding… the size of the file… sampling frequency…"; and col.17, lines 22-24, 26-29, and 31-42: "a Speech Segment Header will specify the number of frames for a given Segment").

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Mukherjee in view of Maes so that the media characteristics of the multimedia message comprises at least one of the following: a number of frames, or a sampling rate of audio content, wherein the multimedia message has a header portion and a body portion, and the media characteristics of the multimedia message are inserted into a field in the header portion of the multimedia message. One would be motivated to do so because Maes teaches that such implementation which is generally known as a RECOVC file format that allows for real-time distributed conversational interactions (see col.15, lines 60-65).

As per **claim 33**, Mukherjee teaches an apparatus for processing a multimedia message, the apparatus comprising a processor configured to:

receive media characteristics of a media component of the multimedia message in a field of the multimedia message (see col.3, lines 42-52: "The media source provides scalable encoded media data in a format including first and second portion... "); and

determine whether the multimedia message should be transcoded based at least in part on a comparison of the received media characteristics of the multimedia message and actual or assumed multimedia capabilities of a receiving terminal (see col.3, lines 56-62: "The transcoder transcodes the formatted original scalable encoded media data prior to delivery to the media destination to generate a scaled version of the formatted original scalable encoded media data, based on matching the scalability attributes and the receiving attributes and using the data structure information").

Mukherjee does not explicitly teach wherein the media characteristics of the multimedia message comprises at least one of the following: a number of frames, or a sampling rate of audio content, wherein the multimedia message has a header portion and a body portion, and the media characteristics of the multimedia message are inserted into a field in the header portion of the multimedia message.

Maes teaches wherein the media characteristics of the multimedia message comprises at least one of the following: a number of frames, or a sampling rate of audio content, wherein the multimedia message has a header portion and a body portion, and the media characteristics of the multimedia message are inserted into a field in the header portion of the multimedia message (see col.16, lines 3-11: "a File Header which, in general, defines information regarding… the size of the file… sampling frequency…";

and col.17, lines 22-24, 26-29, and 31-42: "a Speech Segment Header will specify the

number of frames for a given Segment").

It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to modify the system of Mukherjee in view of Maes so that the

media characteristics of the multimedia message comprises at least one of the

following: a number of frames, or a sampling rate of audio content, wherein the

multimedia message has a header portion and a body portion, and the media

characteristics of the multimedia message are inserted into a field in the header portion

of the multimedia message. One would be motivated to do so because Maes teaches

that such implementation which is generally known as a RECOVC file format that allows

for real-time distributed conversational interactions (see col.15, lines 60-65).


As per **claim 38**, Mukherjee teaches a method for processing a multimedia

message, the method comprising:

receiving media characteristics of a media component of the multimedia

message in a field of the multimedia message (see col.3, lines 42-52: "The media

source provides scalable encoded media data in a format including first and second

portion... "); and

determining whether the multimedia message should be transcoded based at

least in part on a comparison of the received media characteristics of the multimedia

message and actual or assumed multimedia capabilities of a receiving terminal (see

col.3, lines 56-62: "The transcoder transcodes the formatted original scalable encoded

media data prior to delivery to the media destination to generate a scaled version of the
formatted original scalable encoded media data, based on matching the scalability
attributes and the receiving attributes and using the data structure information").

Mukherjee does not explicitly teach wherein the media characteristics of the
multimedia message comprises at least one of the following: a number of frames, or a
sampling rate of audio content, wherein the multimedia message has a header portion
and a body portion, and the media characteristics of the multimedia message are
inserted into a field in the header portion of the multimedia message.

Maes teaches wherein the media characteristics of the multimedia message
comprises at least one of the following: a number of frames, or a sampling rate of audio
content, wherein the multimedia message has a header portion and a body portion, and
the media characteristics of the multimedia message are inserted into a field in the
header portion of the multimedia message (see col.16, lines 3-11: "a File Header which,
in general, defines information regarding… the size of the file… sampling frequency…";
and col.17, lines 22-24, 26-29, and 31-42: "a Speech Segment Header will specify the
number of frames for a given Segment").

It would have been obvious to a person of ordinary skill in the art at the time the
invention was made to modify the system of Mukherjee in view of Maes so that the
media characteristics of the multimedia message comprises at least one of the
following: a number of frames, or a sampling rate of audio content, wherein the
multimedia message has a header portion and a body portion, and the media
characteristics of the multimedia message are inserted into a field in the header portion

of the multimedia message. One would be motivated to do so because Maes teaches

that such implementation which is generally known as a RECOVC file format that allows

for real-time distributed conversational interactions (see col.15, lines 60-65).


As per **claim 48**, Mukherjee teaches an apparatus comprising:

means for receiving media characteristics of a multimedia message that are

inserted in a filed of the multimedia message (see col.3, lines 42-52: "The media source

provides scalable encoded media data in a format including first and second portion...

"); and

means for determining whether the multimedia message should be transcoded

based on a comparison of the media characteristics of the multimedia message and

actual or assumed multimedia capabilities of a receiving terminal (see col.3, lines 56-62:

"The transcoder transcodes the formatted original scalable encoded media data prior to

delivery to the media destination to generate a scaled version of the formatted original

scalable encoded media data, based on matching the scalability attributes and the

receiving attributes and using the data structure information").

Mukherjee does not explicitly teach wherein the media characteristics of the

multimedia message comprises at least one of the following: a number of frames, or a

sampling rate of audio content, wherein the multimedia message has a header portion

and a body portion, and the media characteristics of the multimedia message are

inserted into a field in the header portion of the multimedia message.

Maes teaches wherein the media characteristics of the multimedia message comprises at least one of the following: a number of frames, or a sampling rate of audio content, wherein the multimedia message has a header portion and a body portion, and the media characteristics of the multimedia message are inserted into a field in the header portion of the multimedia message (see col.16, lines 3-11: "a File Header which, in general, defines information regarding... the size of the file... sampling frequency..."; and col.17, lines 22-24, 26-29, and 31-42: "a Speech Segment Header will specify the number of frames for a given Segment").

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Mukherjee in view of Maes so that the media characteristics of the multimedia message comprises at least one of the following: a number of frames, or a sampling rate of audio content, wherein the multimedia message has a header portion and a body portion, and the media characteristics of the multimedia message are inserted into a field in the header portion of the multimedia message. One would be motivated to do so because Maes teaches that such implementation which is generally known as a RECOVC file format that allows for real-time distributed conversational interactions (see col.15, lines 60-65).

_DEPENDENT:_

As per **claim 2**, which depends on claim 1, Mukherjee further teaches wherein the messaging server sends the multimedia message to a transcoding server if transcoding is needed, and the transcoding server uses the inserted media

characteristics of the multimedia message to itself decide if transcoding is needed (see Fig.9).

As per **claim 3**, which depends on claim 1, Mukherjee further teaches wherein the messaging server sends the multimedia message to a transcoding server if transcoding is needed, and the transcoding server uses the inserted media characteristics of the multimedia message to itself decide which parts of the multimedia message need transcoding (see Fig.1).

As per **claim 4**, which depends on claim 1, Mukherjee further teaches wherein the messaging server determines, from the inserted media characteristics of the multimedia message, which parts of the multimedia message need transcoding and sends the multimedia message to a transcoding server if transcoding is needed for any message part, and includes in the multimedia message an indication of which parts of the multimedia message need transcoding (see Fig.9 and col.14, lines 11-21).

As per **claim 5**, which depends on claim 1, Mukherjee further teaches wherein the messaging server determines, from the inserted media characteristics of the multimedia message, which parts of the multimedia message need transcoding and sends only those message parts requiring transcoding to a transcoding server (see Fig.9 and col.14, lines 11-21).

As per **claim 6**, which depends on claim 1, Mukherjee further teaches wherein the transcoding is performed based on a comparison the inserted media characteristics and the actual or assumed multimedia capabilities of the receiving terminal, without

performing an analysis of the multimedia message to determine whether transcoding is needed (see col.3, lines 56-62 and col.5, line 63-col.6, line 2).

As per **claim 7**, which depends on claim 6, Mukherjee further teaches wherein the transcoding is performed without also performing even an analysis to determine which parts of the multimedia message need to be transcoded (see col.5, line 63-col.6, line 2).

As per **claim 8**, which depends on claim 1, Mukherjee further teaches wherein the user agent inserts the media characteristics of the multimedia message into the field in the header of the multimedia message (see Fig.3A and Fig.3B).

As per **claim 9**, which depends on claim 1, Mukherjee further teaches wherein the user agent inserts the media characteristics of the multimedia message into the header field in the body of the multimedia message (see Fig.3A and Fig.3B).

As per **claim 10**, which depends on claim 1, Mukherjee further teaches wherein the media characteristics of the multimedia message include image and video resolution, or number of frames and frame rate of visual content, or sampling rate of audio content (see col.5, lines 35-50).

As per **claim 14**, which depends on claim 13, Mukherjee further teaches wherein the messaging server is further configured to transcode the multimedia message based on the inserted media characteristics and the actual or assumed multimedia capabilities of the receiving terminal, without performing an analysis of the multimedia message to determine media characteristics of the multimedia message relevant to deciding whether transcoding is needed (see col.3, lines 56-62 and col.5, line 63-col.6, line 2).

As per **claim 15**, which depends on claim 13, Mukherjee further teaches wherein the messaging server is further configured to send the multimedia message to a transcoding server if transcoding is needed, and the transcoding server is configured to use the inserted media characteristics to decide if transcoding is needed (see col.3, lines 15-22).

As per **claim 16**, which depends on claim 13, Mukherjee further teaches wherein the messaging server is further configured to send the multimedia message to a transcoding server if transcoding is needed, and the transcoding server is configured to use the inserted media characteristics to decide which parts of the message need transcoding (see Fig.9 and col.14, lines 11-21).

As per **claim 17**, which depends on claim 13, Mukherjee further teaches wherein the messaging server is further configured to determine, from the inserted media characteristics, which parts of the multimedia message need transcoding and to send the multimedia message to a transcoding server if transcoding is needed for any message part, and to include in the multimedia message an indication of which parts of the multimedia message need transcoding (see Fig.9 and col.14, lines 11-21).

As per **claim 18**, which depends on claim 13, Mukherjee teaches of further comprising a transcoding engine for transcoding the multimedia message, wherein the transcoding is performed based on a comparison of the inserted media characteristics and the actual or assumed multimedia capabilities of the receiving terminal, without performing an analysis of the multimedia message to determine whether transcoding is needed (see col.3, lines 56-62 and col.5, line 63-col.6, line 2).

As per **claim 19**, Mukherjee further teaches a computer program product comprising: a computer readable storage structure embodying computer program code thereon for execution by a computer processor in a sending terminal, wherein said computer program code includes instructions for performing the method of claim 21 (see col.14, lines 22-25).

As per **claim 20**, Mukherjee further teaches a computer program product comprising: a computer readable storage structure embodying computer program code thereon for execution by a computer processor in a messaging server, wherein said computer program code includes instructions for performing the method of claim 24 (see col.14, lines 22-25).

As per **claims 36 and 41**, which respectively depend on claims 33 and 38, Mukherjee further teaches wherein the processor is further configured to: determine media components of the multimedia message which need transcoding based at least on the respective received media characteristics (see col.3, lines 15-22); and transmit at least a part of the multimedia message to a transcoding server (see Fig.9).

As per **claims 37 and 42**, which respectively depend on claims 33 and 38, Mukherjee further teaches wherein the processor is further configured to: transcode a media component of the multimedia message based at least on the actual or assumed multimedia capabilities of the receiving terminal (see col.3, lines 15-22 & 54-62).

### *Response to Arguments*

5.    Applicant's arguments with respect to claims 1-21, 24, 27, 30, 33, 36-38, 41, 42, and 48 have been considered but are moot in view of the new ground(s) of rejection. After further consideration and searching, Maes (US 6,970,935) has been cited to explicitly teach the amended limitation.  The combination of Mukherjee et al. (US 7,133,925) and Maes (US 6,970,935) clearly and explicitly teach the limitations of claims 1-21, 24, 27, 30, 33, 36-38, 41, 42, and 48.

### *Conclusion*

6.    For the reasons above, claims 1-21, 24, 27, 30, 33, 36-38, 41, 42, and 48 have been rejected and remain pending.

7.    Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL Y. WON whose telephone number is (571)272-3993.  The examiner can normally be reached on M-Th: 9AM-7PM.

      If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006.  The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Michael Won/

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